

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

United States of America,

-v-

Vitaly Borker,

Defendant.

22-cr-0273 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

On August 3, 2022, defendant Vitaly Borker filed several pre-trial motions in this case. For the reasons stated from the bench, see Transcript of Court Conference on August 16, 2022, the defendant's motions are disposed of as follows:

First, the motion to dismiss Count Three of the Indictment is hereby denied.

Second, the motion to dismiss Counts One and Two of the Indictment as infringing on the Double Jeopardy Clause is hereby denied.

Third, the motion for a bench trial under Federal Rule of Criminal Procedure 23 is hereby denied.

Fourth, the motion for a bill of particulars is granted in part and denied in part. The Government is directed to provide a written bill of particulars identifying the two individuals ("Individual-1" and "Individual-2") mentioned in Count Three of the Indictment by August 24, 2022. The Government must also supply, by August 31, 2022, a written explanation as to the "other things" in Counts One and Two of the Indictment that they intend to allege the defendant committed.

Fifth, the motion to suppress statements made by the defendant's probation officer to law enforcement officers is hereby denied.

Sixth, the motion to suppress evidence acquired from the three search warrants in this case is hereby denied.

SO ORDERED.

New York, NY  
August 12, 2022

  
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JED S. RAKOFF, U.S.D.J.